

incorporate or defer to the tariffs affected by the determinations reached here. Contracts (and parties to them being what they are, there may be some disputes about how that rule is applied, but there is no way we can anticipate all such disputes or attempt to resolve them in advance. On the specific issue of ISP traffic, however, as raised in the exchange between Bell Atlantic-New York and Lightpath, we see no basis for excluding ISP traffic from reciprocal compensation pursuant to an existing interconnection agreement unless the agreement explicitly so provides. Without such an explicit provision, there is no reason to assume that the parties intended their agreement to be modified by a regulatory decision regarding the character of ISP traffic.

The Commission orders:

1. Within 10 days after the date of this opinion and order, any local exchange carrier whose tariffs contain provisions related to reciprocal compensation shall file amendments to those tariffs consistent with this opinion and order and shall serve a copy of those amendments on each active party to this proceeding. Such tariff amendments shall not take effect on a permanent basis until approved by the Commission; but, except as provided in the next ordering clause, such amendments shall take effect on a temporary basis, subject to refund or reparation, not later than 15 days after the date of this opinion and order. Except as provided in the next ordering clause, any party wishing to comment on any compliance filing may do so within 15 days after the date of the filing, submitting 15 copies of its comments.

2. If New York Telephone Company d/b/a Bell Atlantic-New York includes in its compliance filing a revised proposal to remove from reciprocal compensation rates the costs of vertical switching services, comments on that proposal will be due not later than 30 days after the date of the filing. Any party filing such comments should submit 15 copies. No such proposal shall take effect without the

approval of the Commission.

3. For good cause shown pursuant to Public Service Law §92(2), newspaper publication of the tariff amendments filed in accordance with this opinion and order is waived.

4. This proceeding is continued.

By The Commission,

(SIGNED)

DEBRA RENNER  
Acting Secretary

APPEARANCES

FOR NORTHLAND NETWORKS LTD., AND MID-HUDSON COMMUNICATIONS, INC.:

Roland, Fogel Koblenz 6 Petroccione, LLP (by Keith J. Roland, Esq.), One Columbia Place, Albany, New York 12207.

FOR FRONTIER CORPORATION:

Gregg C. Sayre, General Attorney, 180 South Clinton Avenue, Rochester, New York 14646.

FOR BELL ATLANTIC-NEW YORK:

Joseph A Post, Esq. and Lindal L. Scott, Esq., 1045 Avenue of the Americas, New York, New York 10036.

FOR NEW YORK STATE CONSUMER PROTECTION BOARD:

Timothy S. Carey, Executive Director and Ann Kuttar, Deputy Directory (by Ann F. Curtin, Esq.), 5 Empire State Plaza, Albany, New York 12245.

FOR AT&T COMMUNICATIONS OF NEW YORK, INC.:

Philip S. Shapiro, Attorney, 111 Washington Avenue, Albany, New York 12210.

Palmer 6 Dodge, L.L.P. (by Kenneth W. Salinger, Esq.), One Beacon Street, Boston, Massachusetts 02108-3190.

FOR CITIZENS TELECOMMUNICATIONS COMPANY OF NEW YORK, INC.:

Richard M. Tettlebaum, Esq., 1400 16th Street, Suite 500, Washington, DC 20036.

FOR CTSI, INC., FOCAL COMMUNICATIONS OF NEW YORK, WINSTAR WIRELESS OF NEW YORK, LLC., RCN TELECOM OF NEW YORK, INC., AND PAETEC COMMUNICATIONS:

Swidler, Berlin, Shereff, Friedman, LLP (by Richard Rindler, Esq. and Michael W. Flemina, Esq.), 3000 K Street, N.W., Suite 300, Washington, DC 20007.

FOR INTERMEDIA COMMUNICATIONS, ALLEGIANCE TELECOM OF NEW YORK, INC., AND e.SPIRE COMMUNICATIONS, INC.:

Kelley, Drye & Warren (by Michael B. Hazzard, Esq.), 1200 19th Street N.W., Washington, DC 20036.

APPEARANCES

FOR MCI WORLDCOM, INC.:

Cynthia Carney Johnson, Attorney, 5 International,  
Drive, Rye Brook, New York 10573.

FOR CABLEVISION LIGHTPATH, INC.:

David Ellen, Senior Counsel, 1111 Stewart Avenue,  
Bethpage, New York 11714.

Couch White, LLP (by Barbara S. Brenner, Esq.),  
340 Broadway, Albany, New York 12201.

FOR TIME WARNER COMMUNICATIONS HOLDINGS, INC.:

LeBoeuf, Lamb, Leiby & MacRae, (by Brian  
Fitzgerald, Esq.), One Commerce Place,  
Albany, New York 12210-2820.

FOR GLOBAL NAPS, INC.:

William J. Rooney, Jr., Vice President,  
10 Merrymount Road, Quincy, Massachusetts 02169.

Cole, Rayard & Braverman, LLP (by Christopher W.  
Savage, Esq.), 1914 Pennsylvania Avenue, N.W.,  
Washington, DC 20006.

FOR NEW YORK STATE TELECOMMUNICATIONS ASSOCIATION, INC.:

Louis Manuta, Esq., 100 State Street,  
Albany, New York 12207.

FOR SPRINT TELECOMMUNICATIONS COMPANY LP:

Karen R. Sistrunk, Regulatory Counsel.  
1850 M Street, NW, Suite 1101, Washington, DC 20036.

FOR NEW YORK STATE ATTORNEY GENERAL:

Jill Sanford, Assistant Attorney General,  
120 Broadway, New York, New York 10271-0332.

FOR WARWICK VALLEY TELEPHONE COMPANY:

Fred M. Knipp, 47 Main Street,  
Warwick, New York 10990.

FOR INTERNET COMMUNICATION LLC:

Joseph Hernandez, 28 N. Main Street,

Bainbridge, New York 13733.

APPEARANCES

FOR COMPETITIVE TELECOMMUNICATIONS ASSOCIATION:

Terry Monroe, 1900 M Street, NW, Suite 800,  
Washington, DC 20036.

FOR TELECOMMUNICATIONS RESELLERS ASSOCIATION:

Roland, Fogel, Koblenz & Petroccione,  
LLP, (by Usher Fogel, Esq.), One Columbia Place.  
Albany, New York 12207.

## PARTIES AND THEIR FILINGS

(An "X" indicates the party submitted the filing in question;  
see Endnote for information on joint filings)

<u>PARTY</u> <sup>110</sup>	<u>SHORT DESIGNATION</u>	<u>THRESHOLD TESTIMONY</u>	<u>INITIAL TESTIMONY</u>	<u>RESPONSIVE TESTIMONY</u>	<u>INSTIAL BRIEF</u>	<u>REPLY BRIEF</u>
AT&T Communications of New York, Inc.	AT&T	X	X	X	X	X
NYS Attorney General	Attorney General					X
New York Telephone Company d/b/a Bell Atlantic-New York	Bell Atlantic-New York	X	X	X	X	X
Cable Television and and Telecommunications Association of New York, Inc.	Cable Association		X		X	
Citizens Telecommuni- cations Company of New York, Inc.	Citizens	X	X			X
Competitive Telecommu- nications Association	CompTel				X	
NYS Consumer Protection Board	CPB				X	X
CTSI, Inc.	CTSI	X	X	X	X	X
e.spire Communications Inc.	e.spire	X	X	X	X	X
Focal Communications Corporation	Focal	X	X	X	X	X
Frontier Telephone of Rochester, Inc.	Frontier	X	X		X	X

CASE 99-C-0529

APPENDIX B

PARTIES AND THEIR FILINGS

(an "X" indicates the party submitted the filing in question;  
see Endnote for information on joint filings)

<u>PARTY</u>	<u>SHORT DESIGNATION</u>	<u>THRESHOLD TESTIMONY</u>	<u>INITIAL TESTIMONY</u>	<u>RES D TESTIMONY</u>	<u>A F</u>	<u>REPLY BRIEF</u>
Global NAPs, Inc.	GNAPs	X	X	X	X	X
Intermedia Communica- tions, Inc.	Intermedia	X	X	X	X	X
Internet Communication LLC	Internet	X				
Cablevision Lightpath, Inc.	Lightpath	X	X	X	X	X
MCI WorldCom, Inc.	MCIW	X	X	X	X	X
Mid-Hudson Communica- tions, Inc.	Mid-Hudson	X	X		X	
Northland Networks, Ltd	Northland				X	
NYS Telecommunications Association, Inc.	NYSTA				X	X
PaeTec Communications, Inc.	PaeTec	X	X		X	X
RCN Telecom Services, Inc.	RCN	X	X	X	X	X
<u>Sprint Communications</u>	sprint	111			X	

111

Responded to request by noting that it neither pays nor receives

Company L.P.

CASE 99-C-0529

APPENDIX B

PARTIES AND THEIR FILINGS

(an "X" indicates the party submitted the filing in question;  
see Endnote for information on joint filings)

<u>PARTY</u>	<u>SHORT DESIGNATION</u>	<u>THRESHOLD TESTIMONY</u>	<u>INITIAL TESTIMONY</u>	<u>RESPONSIVE TESTIMONY</u>	<u>INITIAL BRIEF</u>	<u>REPLY BRIEF</u>
Time Warner Telecom, Inc.	Time Warner	X	X	K	X	X
Telecommunications Resellers Association	TRA				X	
Warwick Valley Telephone Co.	Warwick	X				

ENDNOTE

CTSI, Focal, PaeTec, and RCN submitted joint briefs; they are referred to as "CTSI ~~et al.~~"  
e.spire and Intermedia submitted joint briefs; they are referred to as  
"e.spire/Intermedia."  
Mid-Hudson and Northland submitted a joint brief; they are referred to as "Mid-  
Hudson/Northland."

---

reciprocal compensation in New York inasmuch as it does not yet operate as a  
competitive local exchange carrier within the State.

**Exhibit 4**  
**August 7, 2002 Letter**  
**from Janet Hand Deixler**  
**New York State**  
**Department of Public**  
**Service**

**Exhibit 4**  
**August 7, 2002 Letter**

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

MAUREEN O. HELMER

*Chairman*

THOMAS J. DUNLEAVY

JAMES D. BENNETT

LEONARD A. WEISS

NEAL N. GALVIN



LAWRENCE G. MALONE  
*General Counsel*

JANET HAND DECKLER  
*Secretary*

AUG 12 2002

August 7, 2002

Gayton P. Gomez, Esq.  
Verizon New York, Inc.  
1095 Avenue of the Americas  
Room 3735  
New York, New York 10036

Re: Petitions For Relief Under the Expedited Dispute Resolution  
Process in Cases 02-C-0279, 02-C-0293, 02-C-0294, 02-C-0295,  
02-C-0550, and 02-C-0675

Dear Ms. Gomez:


Id a letter dated July 10, 2002, you recited Verizon's understanding that the Commission will not address the six expedited dispute resolution petitions above and, therefore, Verizon was withdrawing them. You also stated Verizon's assumption that the Commission will not address any future petitions addressing contract interpretations of reciprocal compensation for Internet-bound traffic, and requested that the Commission advise Verizon as to the correctness of that assumption.

This letter acknowledges Verizon's withdrawal of the above-referenced cases.

The cases will be closed. This letter also confirms that because adequate, alternative forums

exist, the Department will not address any future petitions addressing contract interpretations of reciprocal compensation for Internet-bound traffic.

Very truly yours,

  
Janet Hand Deixler  
Secretary

cc: Sandra Thorne, Esq. (Verizon)  
Saul M. Abrams, Esq. (Staff)  
Karen Nations, Esq.  
Renardo L. Hicks, Esq.  
Andrew D. Fisher, Esq.  
Michael L. Shor, Esq.  
Michael W. Fleming, Esq.  
Joseph O. Kahl, Esq.  
Russell Blau, Esq.  
Ms. Terry J. Romine  
Keith J. Roland, Esq.  
Mr. Gerry Nicholson  
Michael J. Henry, Esq.  
Curtis L. Groves, Esq.  
Darryl M. Bradford, Esq.  
John J. Hamill, Esq.  
Daniel J. Weiss, Esq.